

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN KATHLEEN GALVIN-HALCRO**, on April 4, 2005 at 3:30 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Kathleen Galvin-Halcro, Chairman (D)
Rep. Joan Andersen, Vice Chairman (R)
Rep. Gary Branae, Vice Chairman (D)
Rep. Edward B. Butcher (R)
Rep. Margaret H. Campbell (D)
Rep. Tim Dowell (D)
Rep. Wanda Grinde (D)
Rep. Roger Koopman (R)
Rep. Bob Lake (R)
Rep. Joe McKenney (R)
Rep. Holly Raser (D)
Rep. Scott Sales (R)
Rep. Jon Sonju (R)
Rep. John Ward (R)
Rep. Jeanne Windham (D)

Members Excused: Rep. Dan Villa (D)

Members Absent: None.

Staff Present: Chris Lohse, Legislative Branch
Eddy McClure, Legislative Branch
Linda Keim, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 445, 3/31/2005; SJ 5, 3/24/2005
Executive Action: SB 445, SJ 5

HEARING ON SJ 5

SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS

Opening Statement by Sponsor:

SEN. TRUDI SCHMIDT (D), SD 11, opened the hearing on **SJ 5**, a Resolution to study truancy in public schools.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 8}

Proponents' Testimony:

Darrell Rud, Montana Association of Secondary School Principals, Montana School Boards Association and Montana Association of Police Chiefs (MAPC), said they support SJ 5 and all of those groups were involved in the discussion SEN. SCHMIDT mentioned. Non-attendance in school adversely affects student learning and jeopardizes future academic success of the student. He said that Mr. Vogel, MAPC, provided a handout and passed copies around of "Education and Training Pay" that shows the different economic impacts that education yields for a student. Another issue is the adverse effect on the economy in the community, as truant students hang around malls and cause general mischief.

{Tape: 1; Side: A; Approx. Time Counter: 8 - 10.6}

EXHIBIT(edh71a01)

Richard Meeker, Montana Juvenile Probation Officers Association, spoke in favor of SJ 5. He said a move to lock them up would be counterproductive; this is a problem-solving approach.

James Kaiser, Great Falls Police Department, said he is a detective who deals with habitual truancy in the school system. He stated that the present program is not working. He said they don't cite for habitual truancy until a student has been absent for ten days during a semester, so a student could be absent for 19 days without any law enforcement intervention. There is a need to address truancy now or taxpayers will have to pay for their misdeeds later when the truants turn into criminals or land in the welfare system with no job skills. He suggested the multi-faceted approach of looking at social and law enforcement issues, looking at what works in other communities and other states, and looking at positive and negative ways to affect behavior. He voiced support for the Resolution.

{Tape: 1; Side: A; Approx. Time Counter: 10.6 - 15}

Irene Wells, Counselor, North Middle School, Great Falls, said the laws don't have real "teeth" in them. Students transfer in from all over the state and may have been out of school for a month before they come, then they transfer somewhere else. They

don't feel part of any school, so they may never get a real education. She agreed with other testimony and added that students are often using some type of chemical. She gave several examples of parents calling in excused absences when the child has actually been at the roller rink or the mall. She said, "We can't afford not to have educated young people there for our country when the time comes for them to take over."

Thelma Aldredge, Great Falls School District, said she works with Native Americans and suggested making the parents accountable when they let their kids stay home from school. She stated that Indian Education funds are affected when kids don't come to school. She asked for support of the Resolution.

{Tape: 1; Side: A; Approx. Time Counter: 15 - 21.2}

Opponents' Testimony:

Steve White, Legislative Liason, Montana Coalition Home Educators, said there are laws on the books that address truancy and they need to be enforced. He said the study isn't necessary. He read and passed out written testimony along with copies of the following: "The Annual Gallup Poll of the Public's Attitudes Toward the Public Schools;" specific pages of "Montana Code Annotated 2003" and the "Administrative Rules of Montana;" specific parts of Great Falls' Public School "Student Code of Rights and Responsibilities;" "Richland County Youth Court Probation Intervention;" "Sweetgrass County Mission Possible School Resource Officer Duties;" and "Harlowton Student Handbook."

EXHIBIT(edh71a02)

{Tape: 1; Side: A; Approx. Time Counter: 21.2 - 32.5}

Becky Stockton, Self, testified about Page 2, Line 8-10 and said the bill's title indicates the study is on public school students. She stated that the section mentioned may affect home-school students as well as many non-public alternative schools because they use distance learning to educate their children. She said students could be affected because of unexcused absences to attend educational school-related activities. She felt that a study would be a waste of time and money.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 2.9}

Informational Testimony: None.

Questions from Committee Members and Responses:

REP. KOOPMAN asked how broad the study would be and whether it would address why kids don't want to go to school. **Mr. Rud** said students may feel the information is not relevant, the parents

have a bad attitude toward school, or it may be warm weather. If they are not highly self-motivated, they will stay home.

REP. KOOPMAN asked if it would be appropriate to look at what public schools can do to make kids choose to be in school instead of being out "skate boarding." **Mr. Rud** said, "Yes." He felt that both angles should be looked at; what can parents do and what can the school do to make it more appealing.

REP. KOOPMAN asked if the possible repeal of compulsory attendance laws should be included in the study. **Mr. Rud** said based on personal experience that would not help the problem. It is a complex issue that should be looked at.

{Tape: 1; Side: B; Approx. Time Counter: 2.9 - 8.8}

REP. ANDERSEN referred to testimony by Mr. Kaiser and Ms. Aldridge, asked if the study should look at the parents assuming some of the responsibility for their child's truancy and questioned how that would be done. **SEN. SCHMIDT** agreed that the parents have to be involved and said the study would need to involve them, the student and the school all working together. She stated that because Minnesota focuses on family problems behind the truancy, they have had more success. Washington State has been successful by using "Bekka Bill Coordinators" to get the parents involved.

REP. ANDERSEN asked if any penalties are assessed to parents who continue to knowingly allow their children to be out of school.

SEN. SCHMIDT said that the reason for the study is to look at what has worked in other states. She noted that not all parents will cooperate but they need to be involved if they are willing.

REP. SALES asked if they hoped to adopt a policy similar to the one in Washington. **SEN. SCHMIDT** said the Washington program has worked, it is a multi-faceted way of dealing with truancy and is geared to each child. She noted that in Washington it is up to each county to decide how they will address it.

REP. SALES asked what the cost is to the State. **SEN. SCHMIDT** said she did not know as she just heard about the program.

CHAIRMAN GALVIN-HALCRO asked **SEN. SCHMIDT** if it was her choice to involve home-school families so there was no negative impact on this Resolution. **SEN. SCHMIDT** said home-schooling hasn't come up in previous conversations. If they want to be involved, they could be. She stated that the intent of this Resolution is to address the problem of truancy in the public school system.

CHAIRMAN GALVIN-HALCRO asked Mr. Kaiser about Exhibit 2 and also to address powers and duties he has that Mr. White deems adequate. **Mr. Kaiser** gave an example of an incident where a parent gave him no support. He stated that the powers exist, but a \$5 to \$20 dollar fine for truancy is not effective.

{Tape: 1; Side: B; Approx. Time Counter: 8.8 - 17.4}

REP. BUTCHER said interim study committees are expensive and asked if the rules need to be changed to shorten the time before the parents can be jailed. **Mr. Kaiser** said that might be one of the solutions, but it is not always the parent's responsibility.

REP. BUTCHER noted that Mr. Kaiser has a lot of experience with truancy and may be able to come up with suggested Statute changes without doing an interim study. **Mr. Kaiser** said they proposed a change in the law in their initial session but a decision was made not to go forward with that. They now want to pursue a study bill because the law only addresses the criminal side. He cited a need to look at what communities can put into place.

CHAIRMAN GALVIN-HALCRO said Mr. Kaiser's group has already made suggestions and brought a bill to the legislature this session. The bill was changed to a study resolution because other players across the state want to study the problem.

{Tape: 1; Side: B; Approx. Time Counter: 17.4 - 22.8}

Closing by Sponsor:

SEN. SCHMIDT said they did have a bill and when all the players came together they realized it was a much bigger issue that needed to be discussed more thoroughly. She stated that other states have found that a balanced approach is the best way. She said that truancy is a warning sign that a student could be headed for an educational failure; it also tends to be a stimulus for crime. They are trying to find a way for students and parents to realize the importance of an education and address the truancy issue.

{Tape: 1; Side: B; Approx. Time Counter: 22.8 - 24.7}

HEARING ON SB 445

SEN. DANIEL MCGEE, SD 29, LAUREL

Opening Statement by Sponsor:

SEN. DAN MCGEE opened the hearing on **SB 445**, a bill to authorize tuition waivers for qualified National Guard members. He passed out "Schedule of Actual Tuition and Fee Waivers."

EXHIBIT(edh71a03)

Proponents' Testimony:

Roger Hagan, Officers and Enlisted Associations, Montana National Guard, spoke in support of SB 445. He stated that the Board of Regents will work with the responsible department to establish criteria for the National Guard Benefit Program. He said this is not an appropriation bill and there is no general fund impact. He noted that it is recognized there is a potential cost to the University System Budget if the Regents choose to provide the waivers. He noted that Page 1, Line 16 says, "...the Regents may," and said they are in charge of that budget. He emphasized that recruiting and retention are becoming an issue and tuition waivers may be needed to help with this.

{Tape: 1; Side: B; Approx. Time Counter: 24.7 - 31.2}

Opponents' Testimony:

Rod Sundsted, Associate Commissioners for Fiscal Affairs, Montana University System, stated that they were not against the National Guard and he felt it would be good public policy for the State to offer tuition waivers, but if that is done the funding should be provided. They currently provide waivers for those who have served in a war or in a combat zone and this would extend the waiver to those who have not. He emphasized that passing this bill without an appropriation would put the University System in a very difficult position. They would then have two options: 1) They would have to say no to the National Guard when they grant every other waiver that is currently listed in Statute, 2) They would have to go to students who pay tuition and raise it \$40 over the biennium to make up for the lost tuition revenue. He noted that the University System has only two sources of funding; general fund and student tuition, and suggested funding it in HB 2 or an appropriation bill.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 2.8}

Informational Testimony:

Major General Randy Mosely, Adjutant General, Montana National Guard and Director, Department of Military Affairs, said he is available to answer any questions.

Questions from Committee Members and Responses:

REP. LAKE asked how National Guard members qualify for this waiver. **SEN. MCGEE** referred the question. **Roger Hagan** responded that he could not project how they would develop the program. He stated they would try to target the areas that require skills that are not recruiting to the fullest level, or certain age groups or years of service groups that are not being retained.

REP. LAKE asked Mr. Hagan if he had said that the program would change as recruitment needs change. **Mr. Hagan** stated that he said, "The flexibility would be there that if a certain category or group of people or skills needed to be targeted, the change would be more flexible under regulation, rather than it would under Statute." He said they don't know that the future may bring either in missions that the National Guard has, or in the types of young people they will be able to recruit from.

{Tape: 2; Side: A; Approx. Time Counter: 2.8 - 7.8}

REP. BUTCHER asked what all the waivers cost per semester on other students' tuition. **Mr. Sundsted** said they will waive about \$19 million for the current year, or about \$9.7 million per semester and there are 33,000 students. This comes to about \$300/student.

REP. VILLA asked SEN. MCGEE if he would be agreeable to a Contingent Voidness in this clause. It would be contingent upon \$1.3 million coming from HB 2 to fund this bill. **SEN. MCGEE** said they would, because no funding is being requested.

{Tape: 2; Side: A; Approx. Time Counter: 7.8 - 10}

REP. KOOPMAN asked if all the categories listed currently receive tuition waivers. **Mr. Sundsted** said everyone is eligible, but there may be some that don't apply for the waiver. He said over 90% receive waivers.

REP. KOOPMAN asked if it is reasonable to assume that if this category is added, they will be approved by the Board of Regents and become part of the waiver. **Mr. Sundsted** said that is correct.

REP. KOOPMAN asked if there were any alternate approaches that would involve scholarships for targeted groups. **Mr. Sundsted** said there is a National Guard Scholarship Program that had a significant increase in funding. He said it is not enough, but he would like to see the money put there and let the National Guard administer it as a scholarship program rather than have a fee waiver.

{Tape: 2; Side: A; Approx. Time Counter: 10 - 13}

REP. CAMPBELL asked if the Pell Grant is still the "gateway" to fee waivers and whether prospective students need to be eligible for financial aid in order to be eligible for fee waivers. **Mr. Sundsted** said there only had to be a showing of need; i.e., cost of attendance minus any Pell Grant, any expected family contribution, and any other financial aid. If there is still a gap they are eligible for the waiver.

{Tape: 2; Side: A; Approx. Time Counter: 13 - 14.2}

CHAIRMAN GALVIN-HALCRO asked if there is a point at which a National Guard member becomes a veteran. **Mr. Sundsted** said yes, but they have to serve in a war or a combat zone to be eligible. This would be for members that did not meet that criteria.

CHAIRMAN GALVIN-HALCRO asked what percent of National Guard members in Montana today are at war. **Major General Mosely** answered that since September 11, 2001 over 70% of the Army National Guard has been called to active duty, and over 80% of the Air National Guard. There are over 1,000 Army National Guard serving in Iraq at this time.

{Tape: 2; Side: A; Approx. Time Counter: 14.2 - 15.7}

Closing by Sponsor:

SEN. MCGEE explained his handout, (Exhibit 3). He said that in 2005 discretionary fee waivers are at \$14.9 million and the decision is currently being made by the Board of Regents. All the legislature does is write the check. He stated that a policy decision is needed to say whether National Guard members should be in the same category as all the others who are given discretionary tuition and fee waivers.

EXECUTIVE ACTION ON SB 445

Motion: **REP. WARD** moved that SB 445 BE CONCURRED IN.

Discussion:

REP. WARD saw the problem as being twofold; retaining people and recruiting new people, and said this is a good tool to recruit new people. He noted that the longer the current war takes, there is more hardship on the part-time warriors. He stated it is not a matter of rewarding our current people, it has a long-term impact on the floor structure. Montana is up against states like Wyoming or North Dakota that have reduced tuition across the board. He said this has a greater potential permanent impact on our state than the \$5.1 million we are putting into athletics.

{Tape: 2; Side: A; Approx. Time Counter: 15.7 - 24.9}

REP. BUTCHER said this is another \$20/semester cost piled on top of \$300/student. Fee-paying students are carrying the load for all the tuition waivers. He stated, "Since the Feds are using our National Guard as military, the State needs to push the National Guard to come up with the same GI bill as full-time troops have because they are being used as full-time troops." He suggested they could pass this through, but at some point all the

waivers should be coming out of the general fund, and they may need to re-evaluate how many of these waivers will be given. He suggested that wealthy alumni could be carrying most of the load on the athletic waivers and the National Football League (NFL) should be treating this as a "farm club." He said he was not opposing waivers and stated concern that this cost is coming back on the student. He emphasized that there are long-term consequences and this needs to be carefully weighed.

{Tape: 2; Side: A; Approx. Time Counter: 24.9 - 27.8}

REP. LAKE said this is a noble cause but it is not fair to ask stressed students to pay. It should be a statewide funded waiver system for active National Guard members. He said he could support this with State funding. He said the word "may" will probably stop this, because the University System doesn't have the capability of funding it.

{Tape: 2; Side: A; Approx. Time Counter: 27.8 - 28.7}

Vote: Motion failed 8-8 by roll call vote with **REP. ANDERSEN, REP. BUTCHER, REP. GALVIN-HALCRO, REP. LAKE, REP. MCKENNEY, REP. SALES, REP. SONJU, and REP. WARD** voting aye.

{Tape: 2; Side: A; Approx. Time Counter: 28.7 - 30.3}

EXECUTIVE ACTION ON SJ 5

Motion: **REP. CAMPBELL** moved that SJ 5 BE CONCURRED IN.

Discussion:

REP. LAKE said there are laws on the books and everyone seemed to accept the fact that the problem lies with the parents. He said that by listening to Mr. Rud he heard that some districts in Montana are having success with their own system. He said the Board of Education should add some assistance, but it doesn't justify a full interim study. He stated that this is a local control issue and they should be working on their own responses to the problem.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 1.8}

REP. RASER acknowledged this is a huge problem and does not believe that every study leads to new legislation. The legislation may just need to be revised. This is an opportunity to provide guidance and resources by getting people together to share their successes and failures. What is gained with this small expenditure on a study will far offset the cost paid for every student who drops out of school. She said the intention of the study is not to study existing laws but to find a way to address a serious problem.

REP. SALES opposed the Resolution because there are people in place right now that know what the problem is and how to solve it. He said people that have responsibility for a problem should be able to find the solution or they aren't doing their job. He said the legislature is naive to believe they can come up with a better solution than the people with their feet on the street. We should listen to their recommendations, and if additional laws are needed we should look at the merit of that. This will only cost the State money and won't accomplish anything else.

{Tape: 2; Side: B; Approx. Time Counter: 1.8 - 3.9}

REP. KOOPMAN agreed with **REP. SALES** and stressed being frugal with taxpayer money. He felt that they have already figured out what needs to be done, that laws are already in place and this is not necessary.

REP. CAMPBELL said she would not be supporting this and explained the problem is so complex that she did not feel the answers could be found in an interim study. She said it could a five-year study of mixed methodology that may or may not come up with the answers they are looking for.

{Tape: 2; Side: B; Approx. Time Counter: 3.9 - 6.5}

REP. DOWELL said this is a huge issue and they need to start chipping away at it. He stated this is a society problem.

REP. VILLA suggested voting for the bullying bill to stop the harassment so the kids would stay in school.

REP. GRINDE said she will vote for the Resolution and thought it should also study absenteeism. She cited the problem with parents who check their kids out of school with excused absences and go away for a week before spring vacation or Christmas break.

{Tape: 2; Side: B; Approx. Time Counter: 6.5 - 9.3}

REP. BRANAE said a study probably can't solve the problem but it can bring attention to it. He stated that if the bill passes, it doesn't necessarily mean there will be a study because the legislature will rank it in priority to other requests. He said he will support the bill.

REP. BUTCHER said he sat in on public hearings on delinquent kids back in the 1970s. He stated, "If we vote to put in another study, we have neglected our responsibility as a Committee." He felt nothing would come out of this since too many people have already been studying it. He said he is open to tweaking the current law and that is the legislature's job.

{Tape: 2; Side: B; Approx. Time Counter: 9.3 - 11.9}

REP. RASER noted the need for respect of other's ideas and to leave personal ideas out of it. She cited the loss of decorum that this body should represent and asked for future consideration of that.

CHAIRMAN GALVIN-HALCRO said people in Great Falls have been working on this issue and trying to solve it for over two years. She said groups from other communities came together for meetings because it is a statewide problem. She stated that Great Falls Schools brought a bill forward and wanted to repeal and refine some of the Statutes, then they found out it might address the Great Falls issue but it wouldn't address the bill for everyone else. As a result, SEN. SCHMIDT canceled the bill and brought the study resolution instead. She stated it is a good idea to bring people together; there are things that are working in other states. We should take the time and opportunity to look at them and see if they would apply here. She spoke against crafting legislation for a specific place.

{Tape: 2; Side: B; Approx. Time Counter: 11.9 - 14.4}

Vote: Motion failed 7-9 by roll call vote with REP. BRANAE, REP. CAMPBELL, REP. DOWELL, REP. GALVIN-HALCRO, REP. GRINDE, REP. RASER, and REP. VILLA voting aye.

Motion/Vote: REP. BUTCHER moved that SJ 5 BE TABLED AND THE VOTE REVERSED. Motion passed 9-7 with REP. BRANAE, REP. CAMPBELL, REP. DOWELL, REP. GALVIN-HALCRO, REP. GRINDE, REP. RASER, and REP. VILLA voting no.

EXECUTIVE ACTION ON SB 445

Motion: REP. KOOPMAN moved that SB 445 BE CONCURRED IN.

Discussion:

REP. KOOPMAN said he has changed his position and would like to vote on it again.

Motion: REP. VILLA moved that CONCEPTUAL AMENDMENT BE ADOPTED ALLOWING CONTINGENT VOIDNESS CLAUSE THAT IF FUNDING DOESN'T COME FOR THIS BILL IN HB 2, THIS BILL IS VOIDED.

Discussion:

CHAIRMAN GALVIN-HALCRO and REP. KOOPMAN discussed the outcome of changing a vote on a Tie Vote.

REP. SONJU asked the Committee to resist the Amendment and said **SEN. MCGEE** was not in favor of any amendments to the Bill.

REP. VILLA said they were discussing what would happen if they do not put the Contingent Voidness Clause on the bill. He stated that they would be talking about a direct tuition increase for the students. He said this bill fits in well with prior testimony. He stated that **SEN. MCGEE** will have the opportunity to put \$1.3 million in HB 2 when they begin deliberations on that in the Senate and with the Contingent Voidness Clause that will avoid any tuition increases for the students.

Vote: Motion carried 10-6 by roll call vote with **REP. ANDERSEN, REP. KOOPMAN, REP. LAKE, REP. MCKENNEY, REP. SALES, and REP. SONJU** voting no.

CHAIRMAN GALVIN-HALCRO said they were back on SB 445 As Amended and asked if there was any discussion.

Discussion:

REP. RASER said she will support this. Her main concern before was the tuition increase. She said it is good policy and the State should fund it.

{Tape: 2; Side: B; Approx. Time Counter: 14.4 - 19.5}

Vote: Motion passed unanimously 16-0.

CHAIRMAN GALVIN-HALCRO asked **REP. WARD** to carry the bill on the House floor and adjourned the meeting.

{Tape: 2; Side: B; Approx. Time Counter: 19.5 - 21}

ADJOURNMENT

Adjournment: 5:45 P.M.

REP. KATHLEEN GALVIN-HALCRO, Chairman

LINDA KEIM, Secretary

KG/lk

Additional Exhibits:

EXHIBIT ([edh71aad0.TIF](#))